

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-4057

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BRIAN DAVID HILL,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. William L. Osteen, Jr., Chief District Judge. (1:13-cr-00435-WO-1)

Submitted: March 30, 2015

Decided: April 7, 2015

Before GREGORY and HARRIS, Circuit Judges, and DAVIS, Senior Circuit Judge.

Affirmed in part; dismissed in part by unpublished per curiam opinion.

Mark A. Jones, BELL, DAVIS & PITT, PA, Winston-Salem, North Carolina, for Appellant. Anand P. Ramaswamy, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Brian David Hill appeals the district court's order denying his motion for an extension of time to appeal his conviction and sentence. Upon review, we conclude that the district court did not abuse its discretion in denying Hill's motion. Accordingly, we affirm this portion of the appeal for the reasons stated by the district court. United States v. Hill, No. 1:13-cr-00435-WO-1 (M.D.N.C. Jan. 16, 2015).

To the extent Hill also seeks to appeal the criminal judgment entered against him, the Government has moved to dismiss that portion of the appeal as untimely. In criminal cases, the defendant must file the notice of appeal within 14 days after the entry of judgment or the order being appealed. Fed. R. App. P. 4(b)(1)(A). Upon a showing of excusable neglect or good cause, the district court may grant an extension of no more than 30 additional days to file a notice of appeal. Fed. R. App. P. 4(b)(4), 26(b).

The district court entered the criminal judgment on November 12, 2014. Hill filed a notice of appeal on January 29, 2015, well beyond the expiration of the appeal and excusable neglect periods. We therefore grant the Government's motion to dismiss this portion of the appeal as untimely because Hill

failed to file a timely notice of appeal or obtain an extension of the appeal period.*

We deny Hill's motions to strike and to proceed pro se and dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED IN PART;
DISMISSED IN PART

* Even if we construe the January 12, 2015 motion for an extension of time as a notice of appeal from the criminal judgment, the appeal still is untimely as to the criminal judgment.